Colquitt. Iewis. Crowley. McComb. Darwin. l'resler. Dibrell. Shelburne. Dickson. Smith. Gage. Stafford. Goss. Steele. Greer, Tips. Harrison. Woods. Lawhon. Whitaker.

Absent, excused.

Atlee. Boren. Dean. McKinney.

Absent—not excused.

Rogers. Sherrill. Simpson.

UNFINISHED BUSINESS.

The Chair laid before the Senate, Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments, and to prescribe rules for administering the same, and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder, approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder, approved March 24, 1879, approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith."

Pending action being on Senator Mc-Comb's amendment to strike out the enacting clause.

Pending discussion, by unanimous consent Senator Crowley sent up the following resolution:

Whereas. The Hon. Thomas P. Ochiltree, a distinguished citizen of the State of New York, and an ex-member of Congress from the State of Texas, is at pres-

ent visiting the capital; therefore be it Resolved, That he be invited to a seat on the floor of the Senate within the bar thereof.

Adopted.

After lengthy discussion and pending further action,

Senator Simpson offered the following: The Hon. Thomas P. Ochil-Whereas, tree of New York has been granted the privileges of the floor of this Senate; and

The honorable gentleman Whereas. has acquired a world-wide reputation as a raconteur and prince of good fellows; and

Whereas, Many members would like to

form his acquaintance; therefore be it Resolved, That the Senate stand ad-journed until tomorrow morning at 10 e clock to give them the opportunity.

Adopted, and the Senate adjourned.

THIRTY-EIGHTH DAY.

Senate Chamber, Austin, Texas, Feb. 21, 1895.

Senate met pursuant to_adjournment. Lieutenant Governor Jester chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew. McComb. Bailey. McKinney. Beall. Presler. Bowser. Rogers. Colquitt. Shelburne. Crowley. Sherrill. Darwin. Simpson. Dibrell. Smith. Dickson. Stafford. Gage. Steele. Goss. Tips. Whitaker. Greer. Harrison. Woods. Lawhon.

Absent, excused.

Atlee. Boren.

Absent, not excused.

Dean.

Lewis.

Prayer by the Chaplain, Dr. Smoot. Pending reading of the Journal of yesterday,

On motion of Senator Woods same was

suspended.

On motion of Senator Presler, Committee Clerk J. J. Cox was excused for non-attendance for the last three days, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Stafford:

Petition from business men of Smith county, protesting against the passage of what is known as the "venue bill."

Read and referred to Judiciary Committee No. 1. By Senator Whitaker:

Petition of citizens of Marion county, begging not to be placed under the community system.

Read and referred to Committee on Education.

By Senator Gage:

Memorial from the commissioners court of Haskell county, asking for passage of an adequate law to enforce payment of

Read and referred to Committee on Finance.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, Feb. 21, 1895.

Hon. Geo. T. Jester, President of the Senate: Your Committee on Agricultural Af-

fairs, to whom was referred

Senate bill No. 126, being a bill to be entitled "An act to amend chapter 4, title 3, of the Revised Civil Statutes of Texas, providing a mode by which certain ani-nals may be prevented from running at arge in any county or subdivision, by

adding to and inserting in said chapter after article 4603, article 4603a, providing that freeholders owning enclosed dand or premises lying adjacent to the boundary line of any subdivision in which the provisions of said chapter have be-tome operative in the manner therein provided, may, by application to the commissioners court of the county of which such subdivision is a part, have such land or premises included in and made a part of such subdivision and placed within the operations of the provisions of said chapter, so as to obtain and secure all the benefits thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.
ROGERS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Colquitt: A bill to be entitled "An act for the reimbursement of purchasers at invalid tax sales and holders of invalid tax sales."

Read first time and referred to Committee on Finance.

By Senator Gage

A bill to be entitled "An act to forbid the dismissals of appeals in certain cases of defects in appeal bonds."

Read first time and referred to Judiciary Committee No. 1.

By Senator Shelburne:

A bill to be entitled "An act to authorize and empower the Houston East and West Texas Railway Company to lease and to operate, maintain and control un-der lease the Houston and Shreveport Railroad, situated in the State of Louisiana, and extending from State boundary line at Logansport, Louisiana, thence through the parishes of De Soto and Caddo into the city of Shreveport in

said State." Read first time and referred to Committee on Internal Improvements.

By Senator Bailey, by request:
A bill to be entitled "An act regulating the diposition of encumbered real property in the settlement of estates."

Read first time and referred to Judi-

ciary Committee No. 1.

HOUSE MESSAGE

House of Representatives. Austin, Texas, February 20, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed

the following bill, towit:

House bill No. 460, "An act to suspend the forfeiture of the public free school, the University and the several asylum lands for the non-payment of the interest due thereon, and to provide for the payment thereof, and to dismiss suits pending for such forfeiture."

With the following engrossed, rider: Amend caption by inserting after "for- the committees, that it would be diffifeiture" "and to provide for the payment cult to assemble a quorum in view of the

of the fees of county and district attorneys who instituted the suits of forfeit-ure."

Passed by two-thirds vote—Ayes 97.

nays 3.

Respectfully, CHESTER HAILE, Chief Clerk.

Call concluded.

Senator Greer called up the motion of Senator Crowley, to reconsider the vote by which the resolution looking to a recess of the Legislature was lost.

Senator Colquitt moved to table the

notion to reconsider.

Tabled by the following vote:

Yeas-14.

Mr. President. Lawhon. McKinney, Colquitt. Darwin. Shelburne. Dibrell. Simpson. Dickson. Smith, Goss. Steele. Harrison. $oldsymbol{W}$ oods.

Nays—13.

Presler. Agnew. Bailey. Rogers. Sherrill, Beall. Bowser. Stafford. Tips. Crowley. Greer. Whitaker. McComb.

Present, not voting.

Gage.

Absent, excused.

Dean.

Atlee. Boren.

Absent, not excused.

Lewis.

The Chair's vote against the concurrent resolution providing for a recess to enable the select Senate and House committees to formulate bills for the redistricting of the State into judicial districts, and for the revision of the Civil and Criminal Codes, is based on the following reasons:

1. While he believes it the duty of the Legislature to delegate to a committee that which it was in this instance elected to do, still he is of the opinion that every member of the Legislature is directly interested in the redistricting of the State, and should be present to advise and assist in the formation of the bill. Should the Legislature adjourn, and leave the committee to redistrict the State aided only by an interested lobby, the result would be that when the Legislature reconvened it would require fully as long for the bill to be amended as it would for the formation of a new bill while the entire Legislature is in session, prepared with the advice and assistance

of the Senators and Representatives.
2. The adjournment for recess to redistrict the State and revise the Codes would necessitate such a great expense and inconvenience to the members not on fact that only these two measures would be considered on reconvening.

3. He believes the work of the two committees is not so great that it cannot be accomplished by a four hours afternoon session during the next fifteen days, and that all necessary legislation including these measures, can be accomplished during a ninety or one hundred days session.

IN SENATE.

House bill No. 362, "An act to authorize the city and town councils in cities and towns having less than five thousand inhabitants, according to the last preceding census, to dispense with the office of marshal."

Read first time and referred to Committee on Towns and City Corporations. Substitute House bill No. 120, "A

act to encourage irrigation and provide for the acquisition of the right to the use of water and for the construction and maintenance of canals, ditches, flumes, dams, reservoirs and wells for irrigation and for mining, milling and stockraising."

Read first time and referred to Commit-

tee on Mining and Irrigation.

By unanimous consent, the following was presented by Senator Sherrill:

Committee Room Austin, Texas, Feb. 21, 1895.

Hon. George T. Jester, President of the

Senate:

The joint committee appointed by the Senate and House of Representatives to redistrict the State into judicial districts, respectfully report the following resolution and recommend its adoption:

Resolved by the Senate and House of Representatives, both concurring, That on and after Tuesday, February 26, 1895, only morning sessions be held by Senate and House for the period of fifteen days; that the committee appointed to redistrict the State, including seven Senators and Agnew. Thirteen Representatives, be excused in Beall. the afternoon from committee work and Dickson. other duties, so as to enable them to per- | Gage... form the work assigned them. SHERRILL, Chairman of Joint Com.

By Senator Steele: Amend by striking out "fifteen days," and insert "eight days."

Senator Colquitt moved to refer the resolution, and pending amendment to Committee on State Affairs.

Lost.

The amendment was then lost. The resolution was then adopted by the following vote:

Yeas-17.

Presler.
Rogers.
Sherrill.
Simpson.
Smith.
Stafford.
Tips.
Woods.

Nays-11.

Bowser. Lewis. Colquitt. McKinney. Crowley. Shelburne. Darwin. Steele. Dibrell. Whitaker. Goss,

> Absent, excused. Dean.

Atlee. Boren.

UNFINISHED BUSINESS.

The Chair laid before the Sante, Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments, and to prescribe rules for administering the same, and to provide penal-ties for the violation of this act, and to-repeal an act entitled 'An act in relation to assignments for the benefit of crediors, to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder,' approved March 24, 1879, approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith."

Pending action being on Senator Mc-Comb's amendment to strike out the en-

acting clause.

The amendment to strike out the enacting clause was lost by the following vote:

Yeas-11.

Bailey. McComb. Shelburne. Bowser. Colquitt Simpson. Crowley, Smith. Dibrell, Steele. Lawhon.

Nays-14.

Lewis. McKinney. Presler. Sherrill. Goss. Stafford. Tips, Greer. Woods. Harrison.

Paired.

Nay. Yea. Dean. Darwin. Boren. Rogers. Absent, excused.

Atlee.

Absent-not excused.

Whitaker.

The bill was then ordered engrossed by the following vote:

Yeas-14.

Lewis. Agnew. McKinney. Beall. Dickson. Presler. Sherrill. Gage. Stafford. Goss. . Tips. Greer. Woods. Harrison.

Nays-11.

Bailey. Bowser. Colquitt. Crowley. Dibrell. Lawhon.

McComb. Shelburne. Simpson. Smith. Steele.

Paired.

Yea. Boren. Darwin.

Nay.

Rogers. Dean.

Absent, excused.

Atlee.

Absent, not excused.

Whitaker.

HOUSE MESSAGE.

House of Representatives, Austin, Texas, Feb. 21, 1895.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following concurrent resolution, towit:

House concurrent resolution No. 17: Resolved by the Senate and House of Representatives, both concurring, That on and after Tuesday, February 26, 1895, only morning sessions be held by Senate and House for the period of fifteen days; that the committee appointed to redistrict the State, including seven Senators and thirteen Representatives, be excused in the afternoon from other committee work and other duties, so as to enable them to perform the work assigned them.

Motion to reconsider the vote by which the above resolution was adopted was laid

upon the table.

CHESTER HAILE, Chief Clerk.

Senator Goss moved to suspend regular

business and take up
Senate bill No. 95, being a bill to be
entitled "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands, and of the public lands of the State, and the patenting of any part of said lands for church, cemetery or school house sites, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor."

Suspended by the following vote:

Yeas-26.

Agnew. Lawhon. Bailey. Lewis. McComb. Beall. McKinney. Bowser. Colquitt. Presler. Crowley. Shelburne. Darwin. Sherrill. Dibrell. Simpson. Dickson. Smith. Gage. Steele. Goss. Tips. Greer. Woods. Harrison.

Nays-1.

Rogers.

Absent, excused.

Atlee. Boren. Dean.

Absent, not excused.

Stafford.

Whitaker.

The Chair then laid the bill before the Senate.

Bill read second time with committee amendments.

On motion of Senator Tips, the committee amendments were considered separately.

First committee amendment read. Second committee amendment read. Third committee amendment read. Fourth committee amendment read. Fifth committee amendment read. Sixth committee amendment read. Seventh committee amendment read. Eighth committee amendment read. Ninth committee amendment read. Tenth committee amendment read. All adopted.

By Senator Greer:

Amend by striking out "University," wherever it occurs in the caption and bill.

Adopted.

On motion of Senator Gage, the bill was considered by sections.

Section 1 read. Section 2 read. Section 3 read.

Section 4 read.

Section 5 read. Section 6 read. Section 7 read.

By Senator Darwin:

Amend section 7 by striking out all of line 3 after the word "acre," and down to and including the word "acre," in line 4. Lost.

Section 8 read.

By Senator Harrison:

Amend section 8, lines 3 and 4, by striking out the words "ninety days," and inserting in lieu thereof "six months."

Lost.

(Senator Smith in the chair.)

Section 9 read.

By Senator Goss:

Amend section 9 by striking out all after the word "thereof," in line 18, down to and including the word "occupancy," in line 24, and inserting in lieu thereof, 'Any owner of land heretofore purchased and which land has been or may be forfeited for non-payment of interest, shall have ninety days prior right after this act goes into effect, or after the land is again placed upon the market, to purchase said land without the condition of settlement and occupancy, in case it has been occupied for three consecutive years as required by law; but if not,

Gage.

Goss.

Atlee.

Boren.

Harrison.

Lawhon.

Steele.

Woods.

Dean.

Whitaker.

Tips

Absent, excused.

Greer.

Lewis.

Harrison.

McComb.

Presler.

Rogers.

McKinney.

Bowser.

Colquitt.

Crowley.

Darwin.

Dibrell.

Gage.

Dickson.

then he shall reside thereon until the oc-Absent, not excused. cupancy under the first and last purchase shall together amount to said term of Agnew. McComb. Greer. McKinney. three years." Senator Smith moved to adjourn to to-Adopted. By Senator Goss: morrow at 9 a. m. Lost by the following vote: Amend section 9 by striking out the word "thereon" in line 30. Yeas-9. Adopted.
Section 10 read.
Section 11 read.
Section 12 read.
Section 13 read. Bailey. Lawhon. Presler. Beall. Crowley. Smith. Whitaker. Darwin. Dibrell. Section 14 read. Nays-18. By Senator Goss: Amend section 14 by inserting after the word "of," in line 1, the following: "One section or of one-half section of," and by striking out all after the word "State" in line 3, down to and including the word thereof, in line 4, and inserting in lieu thereof the following: "One-half of his holding" Bowser. McKinney. Colquitt. Dickson. Rogers. Shelburne. Sherrill. Gage. Goss. Simpson. Creer. Stafford. Steele. Harrison. Tips. Woods. holding. Lewis. McComb. Adopted. Senator Sherrill moved to adjourn to Absent—excused. 3 p. m., today. Senator Tips moved to adjourn till Dean. Atlee. tomorrow morning 10 o'clock. Boren. The latter motion being put first was lost by the following vote: Absent—not excused. Agnew. Yeas-12. Senator Beall moved to adjourn to 10 a. Presler. m., Saturday. Bailey. Beall. Shelburne. Lost by the following vote: *Crowley. Simpson. Yeas-6. Darwin. Smith. Presler. Beall. Dibrell. Steele. Tips. Darwin. Smith. Lawhon. Lawhon. Whitaker. Nays-13. Navs-21. McKinney. Bowser. McComb. Bailey. Colquitt. Rogers. McKinney. Bowser. Sherrill. Dickson. Rogers. Colquitt. Gage. Stafford. Shelburne. Crowley, Whitaker. Goss. Sherrill, Woods. Dibrell. Harrison. Simpson. Stafford. Dickson. Lewis. Gage. Absent, excused. Goss. Steele. Atlee. Dean. Tips. Woods. Greer. Boren. Harrison. Absent, not excused. Lewis. McComb. Agnew. Absent, excused. Greer. Atlee. Dean. Senator Lewis moved to adjourn to Monday 10 a.m. Boren. Absent, not excused. Lost by the following vote: Agnew. Yeas-6. Senator Smith moved to adjourn to Bailey. Lewis. 10:10 a. m., tomorrow. Beall. Presler. Lost by the following vote: Dibrell. Shelburne. Yeas-5. Nays-18. Rogers. Bowser. Beall. Tips. Colquitt. Sherrin. Lawhon. Whitaker. Simpson. Crowley. Smith. Darwin. Smith. Nays-22. Dickson. Stafford. Bailey. Goss.

February 21,	1895 SENATI	Ε,
Shelburne.	Stafford.	
Sherrill.	Steele.	
Simpson.	Woods.	
Abs	sent—excused.	
Atlee.	Dean.	
Boren.	·	
Abse	nt, not excused.	
Agnew.		
Senator Smit to 9:50 a. m., to Lost by the fo		rn
nost by the re	Yeas—7.	
Theall	Smith.	
Beall. Crowley.	Tips.	
Lawhon,	Whitaker.	
McComb.	(, 110001010	
	Nays-20.	
Bailey.	Lewis.	
Bowser.	McKinney.	
Colquitt.	Presler.	
Darwin.	Rogers,	
Dibrell.	Shelburne. Sherrill.	-
Dickson. Gage.	Simpson.	
Goss.	Stafford.	
Greer.	Steele,	
Harrison.	Woods.	
Abs	sent, excused.	
Atlee.	Dean.	
Boren.	_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Abse	nt, not excused.	
Agnew.		
The Senate th	en adjourned to 3 p. m., ote:	рх
	Yeas—20.	
Bailey.	Lewis.	
Beall.	McComb.	
Bowser.	McKinney.	
Colquitt.	Presler.	
Dibrell. Dickson.	Rogers. Sherrill.	
Gage.	Simpson.	
Goss.	Steele.	
Greer.	Whitaker.	
Harrison.	$\mathbf{Woods.}$	
	Nays—7.	
Crowley.	Smith.	
Darwin.	Stafford.	
Lawhon. Shelburne.	Tips.	
	sent—excused.	
Atlee. Boren.	Dean.	
	nt not organs=3	
_	nt, not excused.	
Agnew.		

AFTERNOON SESSION.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the fol-ving Senators answering to their Dibrell. lowing names:

Agnew. Beall. Bowser. Colquitt. Crowley. Darwin. Dibrell. Dickson. Gage. Goss. Greer. Harrison. Lawhon.	•	McComb. McKinney. Presler. Rogers. Shelburne. Sherrill. Simpson. Smith. Stafford. Steele. Tips. Whitaker. Woods.
Lewis.		

Absent, excused.

Atlee. Boren. Dean.

Absent—not excused.

Bailey.

Senator Tips asked the unanimous consent to present the following bill, which was granted:

By Senator Tips:

A bill to be entitled "An act to establish a State board of embalming, to provide for the better protection of life and health, to prevent the spread of contagious dis-eases, and to regulate the practice of embalming and the care and disposition for the dead."

Read first time and referred to Commit-

tee on Public Health.

Senator Tips, by consent, offered the following petition:

From practitioners of medicine in Texas, asking favorable consideration of an act to regulate the business of embalming and prevent the spread of infectious disease by handling, transporting and caring for the dead.

Read and referred to Committee on Pub-

lic Health.

Senator Crowley moved to suspend reg-

ular business and take up

House bill No. 313, "An act to create
the county of Alamo out of a part of
Brazoria county, and provide for the organization and attachment for representative, congressional, senatorial and judicial purposes."

Carried.

Bill read second time with favorable majority and adverse minority committee reports.

(Senator Steele in the chair).

Senator Crowley moved to substitute the minority report for the majority report.

Senator Goss moved the previous question on the question of substituting the minority for the majority committee report, which was duly seconded, ordered, and

Lost by the following vote:

Yeas-12.

Goss. Agnew. Beall. Lawhon. Bowser. Shelburne. Stafford. Crowley. Whitaker. Woods. Dickson.

Nays-13. McKinney. Colquitt. Darwin, Presler. Gage. Rogers. Greer. Smith. Harrison. Steele. Tips. Lewis. McComb. Paired. Nay. Yea. Boren. Simpson. Absent, excused. Dean. Atlee. Absent, not excused. Sherrill. Bailey.

Senator Greer moved to postpone further consideration of the bill and make it special order for next Monday after call and from day to day.

Senator Crowley moved to table the motion to postpone.

Tabled.

The motion to substitute the minority report for that of the majority was then

adopted by t	he following vote:
	Yeas—16.
Agnew. Beall. Bowser. Crowley. Dibrell. Dickson. Goss. Lawhon.	Lewis. McKinney Presler. Shelbu rne, Stafford. Steele. Whitaker. Woods.
	Nays—10.
Colquitt. Darwin.	McComb. Rogers.

Gage. Sherrill. Smith. Tips. Greer. Harrison.

Paired.

Yea. Nav. Simpson. Boren.

Absent, excused.

Absent, not excused.

Dean.

Bailey.

Atlee.

Senator Crowley moved to reconsider the vote by which the minority report was adopted in lieu of that of the majority, and to lay same on the table.

(Lieutenant Governor Jester in the chair.)

Senator Bowser moved to suspend regular business and take up Senate bill No.

Lost by the following vote:

Yeas-9.

Bowser. Presler. Darwin. Rogers. Greer. Shelburne. Lawhon. Smith. Lewis.

Nays-15. McKinney.

Agnew. Beall. Sherrill. Colquitt. Simpson. Dickson. Stafford. Gage. Steele. Tips. Goss. Harrison. Woods.

McComb. Absent—excused.

Atlee. Dean.

Boren. Present, not voting.

Crowley. Dibrell.

Absent, not excused.

Bailey. Whitaker.

UNFINISHED BUSINESS.

The Chair laid before the Senate, Senate bill No. 95, being a bill to be entitled "An act to provide for all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands, and of the public lands of the State, and the patenting of any part of said lands for church, cemetery or school house sites, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor.

Senator Lawhon moved to postpone consideration till next Tuesday after call, and make same special order for that

hour.

Lost. (President Pro tem. Lewis in the chair.)

By Senator Presler:

Amend section 4, in line 5, by adding after the word "and" and before the word "interest," the following, "one-half of the," making the sentence as amended read, "and in such case shall be entitled to have all the payments of principal and one-half of the interest which he has previously made on said land."

Pending action, on motion of Senator Shelburne, Senate adjourned till 10 a.m.

tomorrow.

THIRTY-NINTH DAY.

Senate Chamber Austin, Texas, February 22, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew. Gage. Bailey. CHIRR. Beall, Greer. Bowser. Harrison. Colquitt. Lawhon. Darwin. McComb. McKinney. Dean. Dibrell. Rogers. Shelburne. Dickson.